

TABLE 2 OF § 165.801—SECTOR UPPER MISSISSIPPI RIVER ANNUAL AND RECURRING SAFETY ZONES—Continued

Date	Sponsor/name	Sector Upper Mississippi River location	Safety zone
29. 1 day—Last weekend in June/First weekend in July.	Bellevue Heritage Days/Bellevue Heritage Days.	Bellevue, IA	Upper Mississippi River mile marker 556.0 to 556.5.
30. 1 day—4th of July weekend.	Main Street Parkway Association/Parkville 4th of July Fireworks.	Parkville, MO	Missouri River mile marker 378.0 to 377.5.
31. 1 day—4th of July weekend.	Hermann Chamber of Commerce/Hermann 4th of July.	Hermann, MO	Missouri River mile marker 097.0 to 098.0 (Missouri).
32. 1 day—4th of July weekend.	Grafton Chamber of Commerce/Grafton Chamber 4th of July Fireworks.	Grafton, IL	Illinois River mile marker 001.5 to 000.5 (Illinois).
33. 1 day—4th of July weekend.	Salute to America Foundation, Inc./Salute to America.	Jefferson City, MO	Missouri River mile marker 143.5 to 143.0 (Missouri).
34. 1 day—4th of July weekend.	McGregor/Marquette Chamber Commerce/Independence Day Celebration.	McGregor, IA	Upper Mississippi River mile marker 635.7 to 634.2.
35. 2 days—2nd weekend in August.	Tug Committee/Great River Tug	Port Byron, IL	Upper Mississippi River mile marker 497.2 to 497.6 (Illinois).
36. 1 day—4th of July weekend.	City of Stillwater/St. Croix Events/Stillwater 4th of July.	Stillwater, MN	St. Croix River mile marker 022.9 to 023.5 (Minnesota).
37. 2 days—3rd weekend of September.	Riverside Chamber of Commerce/Riverfest	Riverside, MO	Missouri River mile marker 371.8 to 372.2.
38. 4 days—3rd week of July.	St. Croix Events/Lumberjack Days	Stillwater, MN	St. Croix River mile marker 022.9 to 023.5 (Minnesota).
39. 2 days—Weekend that precedes Labor Day Weekend.	Lake of the Ozarks Shootout, Inc./Lake of the Ozarks Shootout.	Lake of the Ozarks, MO	Lake of the Ozarks mile marker 032.5 to 034.5.
40. 2 days—1st weekend of September.	City of Keithsburg/Keithsburg Fireworks Display.	Keithsburg, IL	Upper Mississippi River mile marker 427.5 to 427.3.
41. 1 day—4th of July weekend.	City of East Moline/City of East Moline Fireworks.	East Moline, IA	Upper Mississippi River mile marker 490.2 to 489.8.
42. 2nd Weekend in August.	Lansing Lion's Club/Lansing Fish Days Fireworks.	Lansing, IA	Upper Mississippi River mile marker 662.8–663.9.
43. 3rd Weekend in August.	River Action/Floatzilla	Rock Island, Illinois	Upper Mississippi River mile marker 479.0–486.0.
44. 1 day—Weekend before Thanksgiving.	Main Street Parkway Association/Parkville Christmas on the River.	Parkville, MO	Missouri River mile marker 377.5 to 378.0.
45. 1 day—4th of July weekend.	City of Marquette/Marquette Independence Day Celebration.	Marquette, IA	Upper Mississippi River mile marker 634.2 to 635.7.
46. 1 day—1st Weekend in June.	St. Louis Brewers Guild Festival Fireworks	St. Louis, MO	Upper Mississippi River mile marker 179.2–180.
47. 1 day—4th Weekend in May.	Lumiere Place/Memorial Day Fireworks	St. Louis, MO	Upper Mississippi River mile marker 180–180.5.
48. 1 day—1st Weekend in July.	Lumiere Place/4th of July Fireworks	St. Louis, MO	Upper Mississippi River mile marker 180–180.5.
49. 1 day—1st Weekend in September.	Lumiere Place/Labor Day Fireworks	St. Louis, MO	Upper Mississippi River mile marker 180–180.5.

Dated March 31, 2017.

M.L. Malloy,*Captain, U.S. Coast Guard, Captain of the Port Upper Mississippi River.*

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ENVIRONMENTAL PROTECTION AGENCY**40 CFR Part 52**

[Docket No., EPA-R02-OAR-2016-0766; FRL-9961-21-Region 2]

Approval and Promulgation of Implementation Plans; Reasonably Available Control Technology for Oxides of Nitrogen for Specific Sources in the State of New Jersey**AGENCY:** Environmental Protection Agency (EPA).**ACTION:** Proposed rule.**SUMMARY:** The Environmental Protection Agency (EPA) is proposing to approve two revisions to the State Implementation Plan (SIP) for ozone

submitted by the State of New Jersey. This SIP revision consists of two source-specific reasonably available control technology (RACT) determinations for controlling oxides of nitrogen. One is for the Transcontinental Gas Pipeline Corp., LNG Station 240 located in Carlstadt, New Jersey and the other is for Joint Base McGuire-Dix-Lakehurst in Lakehurst, New Jersey. This action proposes to approve the source-specific RACT determinations that were made by New Jersey in accordance with the provisions of its regulation to help meet the national ambient air quality standard for ozone. The intended effect of this proposed rule is to approve source-specific emissions limitations required by the Clean Air Act.

DATES: Comments must be received on or before June 7, 2017.

ADDRESSES: Submit your comments, identified by Docket ID Number EPA-R02-OAR-2016-0766, at <http://www.regulations.gov>. Follow the on-line instructions for submitting comments. Once submitted, comments cannot be edited or removed from *Regulations.gov*. The EPA may publish any comment received to its public docket. Do not submit electronically any information you consider to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Multimedia submissions (audio, video, etc.) must be accompanied by a written comment. The written comment is considered the official comment and should include discussion of all points you wish to make. The EPA will generally not consider comments or comment contents located outside of the primary submission (*i.e.*, on the web, cloud, or other file sharing system). For additional submission methods, the full EPA public comment policy, information about CBI or multimedia submissions, and general guidance on making effective comments, please visit <http://www2.epa.gov/dockets/commenting-epa-dockets>.

FOR FURTHER INFORMATION CONTACT:

Anthony (Ted) Gardella, gardella.anthony@epa.gov at the U.S. Environmental Protection Agency, Air Programs Branch, 290 Broadway, 25th Floor, New York, NY 10007-1866, telephone number (212) 637-4249, fax number (212) 637-3901.

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I. The EPA's Proposed Action

A. What action is the EPA proposing today?

The EPA is proposing to approve two source-specific State Implementation Plan (SIP) revisions for ozone submitted

by the State of New Jersey. These SIP revisions relate to New Jersey's oxides of nitrogen (NO_x) reasonably available control technology (RACT) determinations for the Transcontinental Gas Pipeline Corp., LNG Station 240 (Transco-240) located in Carlstadt, New Jersey, Bergen County and for Joint Base McGuire-Dix-Lakehurst (JB-MDL) located in Lakehurst, New Jersey, Ocean County. These SIP revisions were submitted to the EPA for approval on July 1, 2014 and July 25, 2016 respectively. The determinations are for the four natural gas-fired water bath heaters at the Transco-240 facility and the two natural gas-fired boilers (Nos 2 and 3) at the JB-MDL facility.

B. Why is the EPA proposing this action?

The EPA is proposing this action to:

- Give the public the opportunity to submit comments on the EPA's proposed action, as discussed in the **DATES** and **ADDRESSES** sections.
- Fulfill New Jersey's and the EPA's requirements under the Clean Air Act (Act).
- Make New Jersey's RACT determination federally-enforceable.

C. What are the Clean Air Act requirements for NO_x RACT?

The Act requires certain states to develop RACT regulations for stationary sources of NO_x and to provide for the implementation of the required measures as soon as practicable. For detailed information on the requirements of the Act for NO_x RACT and for the EPA's technical evaluation of New Jersey's SIP revision, see the Technical Support Document (TSD), prepared in support of this proposed action. A copy of the TSD is available in the Docket for this action, and by contacting the individual in the For Further Information Section.

D. What is the EPA's evaluation of New Jersey's SIP revision?

The EPA has determined that New Jersey's proposed SIP revisions for the NO_x RACT determinations for Transco-240 and JB-MDL are consistent with New Jersey's NO_x RACT regulation and the EPA's guidance. The EPA's basis for evaluating New Jersey's proposed SIP revisions is whether they meet the SIP requirements described in section 110 of the Act. The EPA has determined that New Jersey's proposed SIP revisions will not interfere with any applicable requirement concerning attainment and reasonable further progress, or any other applicable requirement of the Act.

The EPA has determined that the NO_x emission limits identified in New

Jersey's Conditions of Approval document and alternative emission limit compliance plan represent RACT for Transco-240 and JB-MDL respectively. The conditions contained in these documents currently specify emissions limits, work practice standards, testing, monitoring, and recordkeeping/reporting requirements. These conditions are consistent with the NO_x RACT requirements specified in Subchapter 19 of Chapter 27, Title 7 of the New Jersey Administrative Code and conform to the EPA's NO_x RACT guidance. More specifically, the EPA proposes to approve the current Conditions of Approval document for Transco-240 which includes the following:

1. The emission rate of NO_x from each water bath heater, while firing natural gas, shall not exceed 0.10 pounds per million British thermal units (lb/MMBTU);
2. The total emission rate of NO_x from all four water bath heaters, while combusting natural gas shall not exceed 6.7 tons per year;
3. Transco-240 shall operate the four natural gas-fired water bath heaters for a combined total of 1600 hours per year or less;
4. Transco-240 shall not operate the four water bath heaters during the ozone season; and
5. The flue gas recirculation (FGR) system shall operate at all times the heater is operating.

For JB-MDL, the EPA proposes to approve the alternative emission limit compliance plan which includes the following:

1. An alternative NO_x Emission Limit (AEL) of 0.1 lb/MMBTU for boiler #2 and boiler #3 pursuant to N.J.A.C.7:27-19.13; and
2. Decrease in natural gas use from 181.43 to 108.6 million cubic feet (MMft³) per year for boiler #2 and from 113.04 to 57 MMft³ per year for boiler #3.

In addition, the documents for both facilities specify the NO_x emissions limits, combustion process adjustments mentioned above, emission testing, monitoring, recordkeeping and reporting requirements, which States and sources will need to provide for through the Title V permitting process.

II. New Jersey's SIP Revision

A. What are New Jersey's NO_x RACT requirements?

New Jersey's NO_x RACT requirements are contained in Subchapter 19 entitled "Control And Prohibition of Air Pollution From Oxides of Nitrogen", of Chapter 27, Title 7 of the New Jersey

Administrative Code. New Jersey has made numerous revisions to Subchapter 19 since the original SIP submission. The current SIP approved version of Subchapter 19 was approved by the EPA on August 3, 2010 (75 FR 45483). New Jersey RACT requirements specify the emission rate of NO_x from each water bath or boiler, while firing natural gas, shall not exceed 0.10 lb/MMBTU. The maximum allowable emission limit becomes effective on the effective date of EPA's approval, as published in the **Federal Register**, of New Jersey's SIP revision for the AEL. Until EPA's approval becomes effective, the maximum allowable emission rate for each water bath heater or boiler is 0.05 lb/MMBTU, as required by Subchapter 19.

B. What are New Jersey's facility-specific NO_x RACT requirements?

Section 19.13 of New Jersey's regulation establishes a procedure for a case-by-case determination of what represents RACT for a major NO_x facility, item of equipment, or source operation. This procedure applies to facilities considered major for NO_x, which are in one of the following two situations: (1) If the NO_x facility contains any source operation or item of equipment of a category not listed in section 19.2(b) or (c) which has the potential to emit more than 10 tons of NO_x per year, or (2) if the owner or operator of a source operation or item of equipment of a category listed in section 19.2(b) or (c) seeks approval of an alternative maximum allowable emission rate. This proposal applies to both facilities for the second situation listed above.

New Jersey's procedure requires either submission of a NO_x control plan, if specific emission limitations do not apply to the specific source, or submission of a request for an alternative maximum allowable emission rate if specific emission limitations do apply to the specific source. In either case, the owners/operators must include a technical and economic feasibility analysis of the possible alternative control measures. Also, in either case, Subchapter 19 requires that New Jersey establish emission limits which rely on a RACT determination specific to the facility. The resulting NO_x control plan or alternative maximum allowable emission rate must be submitted to the EPA for approval as a SIP revision.

C. When was New Jersey's RACT determination proposed and adopted?

New Jersey's RACT determination for Transco-240 was proposed on March 26,

2014, with the public comment period ending April 25, 2014. New Jersey approved the RACT determination on June 12, 2014. New Jersey's RACT determination for JB-MDL was proposed on June 8, 2016, with the public comment period ending July 8, 2016. New Jersey approved the RACT determination on August 26, 2016. New Jersey did not receive any comments during either of the two comment periods.

D. When was New Jersey's SIP revision submitted to the EPA?

New Jersey's SIP revision for Transco-240 was submitted to the EPA on July 1, 2014 and New Jersey's SIP revision for JB-MDL was submitted on July 25, 2016. By operation of law the submittals were deemed administratively and technically complete six months from the submittal dates.

III. Conclusion

The EPA is proposing to approve the New Jersey SIP revisions for alternative RACT emission limit determinations for the following two sources: (1) The four water bath heaters for the Transcontinental Gas Pipeline Corp., LNG Station 240 which includes source-specific NO_x emissions limits, combustion process adjustments, emission testing, monitoring, recordkeeping and reporting requirements; and (2) the two boilers (No's 2 and 3) for the Joint Base McGuire-Dix-Lakehurst which includes source-specific NO_x emissions limits, combustion process adjustments, emission testing, monitoring, recordkeeping and reporting requirements. The EPA is proposing to approve these revisions since the evaluated alternative control measures at both facilities were determined not to be economically feasible. In addition, the revised RACT requirements will include limits on fuel use and total number of hours of operation at Transcontinental Gas Pipeline Corp., LNG Station 240 and limits on fuel use resulting in a decrease in natural gas use at Joint Base McGuire-Dix-Lakehurst. The EPA will consider all comments submitted prior to any final rulemaking action.

IV. Statutory and Executive Order Reviews

Under the Clean Air Act, the Administrator is required to approve a SIP submission that complies with the provisions of the Act and applicable Federal regulations. 42 U.S.C. 7410(k); 40 CFR 52.02(a). Thus, in reviewing SIP submissions, the EPA's role is to approve state choices, provided that

they meet the criteria of the Clean Air Act. Accordingly, this action merely approves state law as meeting Federal requirements and does not impose additional requirements beyond those imposed by state law. For that reason, this action:

- Is not a "significant regulatory action" subject to review by the Office of Management and Budget under Executive Order 12866 (58 FR 51735, October 4, 1993);
- does not impose an information collection burden under the provisions of the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*);
- is certified as not having a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*);
- does not contain any unfunded mandate or significantly or uniquely affect small governments, as described in the Unfunded Mandates Reform Act of 1995 (Pub. L. 104-4);
- does not have Federalism implications as specified in Executive Order 13132 (64 FR 43255, August 10, 1999);
- is not an economically significant regulatory action based on health or safety risks subject to Executive Order 13045 (62 FR 19885, April 23, 1997);
- is not a significant regulatory action subject to Executive Order 13211 (66 FR 28355, May 22, 2001);
- is not subject to requirements of Section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note) because application of those requirements would be inconsistent with the Clean Air Act; and
- does not provide the EPA with the discretionary authority to address, as appropriate, disproportionate human health or environmental effects, using practicable and legally permissible methods, under Executive Order 12898 (59 FR 7629, February 16, 1994). In addition, this rule does not have tribal implications as specified by Executive Order 13175 (65 FR 67249, November 9, 2000), because the SIP is not approved to apply in Indian country located in the state, and the EPA notes that it will not impose substantial direct costs on tribal governments or preempt tribal law. Thus, Executive Order 13175 does not apply to this action.

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Incorporation by reference, Intergovernmental relations, Nitrogen dioxide, Ozone, Reporting and recordkeeping requirements.

Authority: 42 U.S.C. 7401 *et seq.*

Dated: March 23, 2017.

Catherine R. McCabe,

Acting Regional Administrator, Region 2.

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ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA-R01-OAR-2015-0648; FRL-9961-24-Region 1]

Air Plan Approval; ME; Motor Vehicle Fuel Requirements

AGENCY: Environmental Protection Agency.

ACTION: Proposed rule.

SUMMARY: The Environmental Protection Agency (EPA) is proposing to approve a State Implementation Plan (SIP) revision submitted by the State of Maine on August 28, 2015. The SIP revision includes a revised motor vehicle fuel volatility regulation that has been updated to be consistent with existing federal regulations which require retailers to sell reformulated gasoline (RFG) in the counties of York, Cumberland, Sagadahoc, Androscoggin, Kennebec, Knox, and Lincoln, as of June 1, 2015. The intended effect of this action is to propose approval of this amendment into the Maine SIP. This action is being taken under the Clean Air Act.

DATES: Written comments must be received on or before June 7, 2017.

ADDRESSES: Submit your comments, identified by Docket ID No. EPA-R01-OAR-2015-0648 at <http://www.regulations.gov>, or via email to rogan.john@epa.gov. For comments submitted at *Regulations.gov*, follow the online instructions for submitting comments. Once submitted, comments cannot be edited or removed from *Regulations.gov*. For either manner of submission, the EPA may publish any comment received to its public docket. Do not submit electronically any information you consider to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Multimedia submissions (audio, video, etc.) must be accompanied by a written comment. The written comment is considered the official comment and should include discussion of all points you wish to make. The EPA will generally not consider comments or comment contents located outside of the primary submission (i.e. on the web, cloud, or other file sharing system). For additional submission methods, please

contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section. For the full EPA public comment policy, information about CBI or multimedia submissions, and general guidance on making effective comments, please visit <http://www2.epa.gov/dockets/commenting-epa-dockets>.

FOR FURTHER INFORMATION CONTACT: John Rogan, Air Quality Planning Unit, U.S. Environmental Protection Agency, New England Regional Office, 5 Post Office Square—Suite 100, (Mail code OEP05-2), Boston, MA 02109-3912, telephone (617) 918-1645, facsimile (617) 918-0645, email rogan.john@epa.gov.

SUPPLEMENTARY INFORMATION:

Throughout this document whenever “we,” “us,” or “our” is used, we mean EPA. Organization of this document. The following outline is provided to aid in locating information in this preamble.

- I. Background and Purpose
- II. Maine's Revisions to Its Chapter 119 Motor Vehicle Fuel Volatility Limits
- III. EPA's Evaluation of Maine's SIP Revision
- IV. Proposed Action
- V. Incorporation by Reference
- VI. Removal of Maine's Gasoline Volatility Requirements in Southern Maine—Impacts on the Boutique Fuels List
- VII. Statutory and Executive Order Reviews

I. Background and Purpose

On August 28, 2015, the Maine Department of Environmental Protection (DEP) submitted to the EPA a revision to its State Implementation Plan (SIP). The SIP revision consists of Maine's revised Chapter 119 Motor Vehicle Fuel Volatility Limits. Chapter 119 was revised to require retailers to sell reformulated gasoline (RFG) in the counties of York, Cumberland, Sagadahoc, Androscoggin, Kennebec, Knox, and Lincoln (hereinafter, the “Southern Maine Counties”) effective June 1, 2015. RFG is gasoline that is blended to burn more cleanly as compared to conventional gasoline. This regulation was revised to be consistent with existing federal regulations at 40 CFR part 80, subpart D.

In April, 2013, the Maine Legislature enacted Public Law 2013 c.221 calling for the use of RFG in the Southern Maine Counties beginning May 1, 2014. On July 23, 2013, the Governor of Maine formally requested, pursuant to Clean Air Act (CAA) section 211(k)(6)(B), that the EPA extend the requirement for the sale of RFG to these counties beginning on May 1, 2014. The Maine legislature subsequently enacted an emergency law, Public Law 2013 c.452, effective March 6, 2014, to postpone the requirement for the sale of RFG in the Southern Maine Counties until June 1, 2015. Pursuant to that legislation, the

Commissioner of the Maine DEP submitted a request to the EPA on March 10, 2014, modifying Maine's request for the implementation date for the sale of RFG in the Southern Maine Counties to coincide with the new June 1, 2015 effective date.

Per Maine's request, the EPA extended the requirements of the RFG program to the Southern Maine Counties. The final rule, *Regulation of Fuels and Fuel Additives: Extension of the Reformulated Gasoline Program to Maine's Southern Counties*, was published in the **Federal Register** on February 6, 2015 (80 FR 6658).

II. Maine's Revisions to Its Chapter 119 Motor Vehicle Fuel Volatility Limits

On August 28, 2015, the Maine DEP submitted to EPA a SIP revision containing Maine's revised Chapter 119 Motor Vehicle Fuel Volatility Limits rule adopted on May 21, 2015. The rule's prohibition on selling or dispensing motor vehicle fuel having a Reid Vapor Pressure (RVP) greater than 7.8 pounds per square inch (psi), in the Southern Maine Counties, during the period of May 1 through September 15 was revised to apply through September 15 of 2014, and a new provision, requiring retailers who sell gasoline in the Southern Maine Counties to only sell RFG in those counties year round, was added to the rule. The revisions to Chapter 119 maintain the 9.0 psi maximum RVP requirement in the reminder of the State during the period of May 1 through September 15 each year.

III. EPA's Evaluation of Maine's SIP Revision

EPA previously approved Maine's Chapter 119 into the Maine SIP on March 6, 2002 (67 FR 10100). EPA has reviewed Maine's revised Chapter 119 Motor Vehicle Fuel Volatility Limits rule and has concluded that Maine's August 28, 2015 SIP revision is consistent with the anti-back sliding requirements of CAA section 110(l). The previous version of Chapter 119 currently in the Maine SIP states that in the Southern Maine Counties “no owner or operator shall dispense, sell, or supply as fuel for motor vehicles a gasoline having a RVP greater than 7.8 psi during the period of May 1 through September 15 of each year.” The revised rule instead requires RFG in the Southern Maine Counties year-round beginning June 1, 2015, without the 7.8 psi RVP requirement, and maintains the 9.0 psi RVP requirement in the reminder of the State. Requiring a lower RVP for fuels means less evaporative emissions, and therefore removal of such a